

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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PAUL C. FEMMEL,

Plaintiff,

-against-

EVERGREEN HOME FOR ADULTS, INC.,  
EVERGREEN HOME FOR ADULTS INC. d/b/a  
MCCLELLANDS HOME FOR ADULTS &  
MORNINGSIDE MANOR HOME FOR SENIORS,  
ELEVADO PROPERTIES, INC., and MAURO B.  
ELEVADO,

Defendants.  
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USDC SDNY  
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ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 12/6/2012

**PARTIAL STIPULATION OF  
DISCONTINUANCE**

Docket No.: 11 CIV 3091 (ER)(GY)

**IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned, the attorneys of record for all parties to the above-entitled action, that whereas no party hereto is an infant or incompetent person for whom a committee has been appointed and no person not a party has an interest in the subject matter of the action, the above-entitled action, including all cross-claims be, and the same hereby are discontinued, with prejudice as against EVERGREEN HOME FOR ADULTS, INC., EVERGREEN HOME FOR ADULTS INC. D/B/A MCCLELLANDS HOME FOR ADULTS & MORNINGSIDE MANOR HOME FOR SENIORS AND ELEVADO PROPERTIES, INC. **ONLY**, without costs to either party as against the other. The action as against MAURO. B. ELEVADO shall continue.

**THIS** Stipulation may be filed without further notice with the Clerk of the Court.

Dated: Tarrytown, New York  
December 5, 2012

CLARK, GAGLIARDI & MILLER, P.C.

By: 

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By: 

~~Christopher R. Ingrassia (CL250)~~

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Tele: (914) 285-8500

Docket No.: 11 CIV 3091

Paul C. Femmel v. Evergreen Home For Adults, Inc., Evergreen Home For Adults Inc. d/b/a McClellands Home For Adults & Morningside Manor Home For Seniors, Elevado Properties, Inc. and Mauro B. Elevado

LAW OFFICE OF LORI D. FISHMAN

By:   
D. Bradford Sessa (DS 8046)

Attorneys for Defendants  
EVERGREEN HOME FOR ADULTS, INC.,  
EVERGREEN HOME FOR ADULTS INC. d/b/a  
MCCLELLANDS HOME FOR ADULTS &  
MORNINGSIDE MANOR HOME FOR SENIORS  
and ELEVADO PROPERTIES, INC.  
120 White Plains Road, Suite 220  
Tarrytown, New York 10591  
Tele: (914) 524-5732

Dated: Dec. 6, 2012  
White Plains, NY

**SO ORDERED:**

  
HON. EDGARDO RAMOS  
UNITED STATES DISTRICT JUDGE